



ATTORNEY DOCKET NO.: MJ0729
19400/09003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Schade, Deborah A. <i>et al.</i>)	Group Art Unit: 1617
)	
Serial No.: 09/381,484)	Examiner: Shengjun Wang
)	
Filed: February 28, 2000)	Deposit Account: 50-2548
)	
For: Use of Docosaheaxaenoic Acid)	Confirmation No.: 4022
and Arachidonic Acid Enhancing)	
The Growth of Preterm Infants)	

RESPONSE TO PROVOKE ADVISORY ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action mailed on June 8, 2005, please consider the rejection of the claims in light of the following amendments and arguments. It is believed that the present response is being filed within the three-month shortened statutory period for response that was set in the Action. In fact, it is believed that the present response is being filed within two months of the mailing of the Office Action. If any extension of time or additional fees for the accompanying response are required, please charge any fees to Deposit Account 50-2548.

It is respectfully requested that the claims be amended and reconsidered in light of the following arguments and found to be allowable.



Practitioner's Docket No. 19400/09003 (MJ0729)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re application of: Deborah A. Schade, Kimberly L. Merkel
and James W. Hansen

Application No.: 09/381,484

Group No.: 1617

Filed: 02/28/2000

Examiner: Shengjum Wang

For: USE OF DOCOSAHEXAENOIC ACID
AND ARACHIDONIC ACID ENHANCING
THE GROWTH OF PRETERM INFANTS

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO PROVOKE ADVISORY ACTION TRANSMITTAL

1. Transmitted herewith is a Response to Provoke Advisory Action in response to the Office Action mailed June 8, 2005 for this application.

STATUS

2. Applicant is other than a small entity.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

*(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

■ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

■ with sufficient postage as first class mail.

37 C.F.R. § 1.10*

□ as "Express Mail Post Office to Addressee"

Mailing Label No. _____ (mandatory)

TRANSMISSION

□ facsimile transmitted to the Patent and Trademark Office, (703) _____ - _____

Signature

Mum Vort

Date: August 8, 2005

(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

	(Col. 1)	(Col. 2)	(Col. 3)	OTHER THAN A SMALL ENTITY			
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE		
TOTAL	7	—	22	= 0	x \$ 50.00	= \$	0.00
INDEP.	1	—	3	= 0	x \$ 200.00	= \$	0.00
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+	\$ 0.00	= \$	0.00
				TOTAL ADDIT. FEE		\$	0.00

No additional fee for claims is required.

FEE DEFICIENCY

5. If an additional extension and/or fee is required, charge Account No. 50-2548.

If an additional fee for claims is required, charge Account No. 50-2548.



Signature of Practitioner
Nichole T. Andrighetti, Esq.

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AF 1617
CF-2



Practitioner's Docket No. 19400/09003 (MJ0729)

PATENT

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In re application of: Deborah A. Schade, Kimberly L. Merkel
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Application No.: 09/381,484

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Confirmation No.: 4022

For: Use of Docosahexaenoic Acid and Arachidonic
Acid Enhancing the Growth of Preterm Infants

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)

I hereby certify that the attached correspondence, comprising:

1. Response to Provoke Advisory Action Transmittal (2 pages – original and copy)
2. Response to Provoke Advisory Action (8 pages)
3. Return Receipt Postcard,

is being deposited with the United States Postal Service, with sufficient postage, as first class mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on August 8, 2005.

Mim Voet

Signature of person mailing paper